

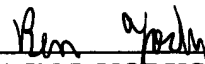
## REMARKS

The Examiner rejected claims 12-14 under 35 U.S.C. §102(e) as being anticipated by Kawesch. The Examiner rejected claims 1-11 under 35 U.S.C. §103(a) as being unpatentable over Kawesch in view of Glockler. It is the Examiner's position that Kawesch discloses a flow of air "above" the cornea because it states that the air flows "over" the cornea. The applicant believes that the Examiner is reading the term "over" out of context.

The Examiner has underlined the term "over" on column 5, line 28 of the Kawesch patent. The entire sentence cited states that the flow of compressed air over the cornea is "to draw the fluid out of the corneal/flap interface." Stated another way, Kawesch is directing air onto the cornea to dry out or dehydrate a flap formed in a LASIK procedure. Kawesch is to be distinguished from the amended claims which recite a flow of air above the cornea at a distance so that the cornea is not dehydrated. Preventing dehydration is exactly the opposite of the stated purpose of Kawesch as distinctly described on Column 9, lines 27-34, which discusses using the flap drying apparatus to dry a corneal flap and draw a sterile solution away from the corneal flap/inner corneal layer interface. Kawesch purposely dehydrates the cornea. As recited in the claims, the present invention does not dehydrate the cornea. For all of these reasons the applicant submits that the claims are not anticipated or rendered obvious by the cited prior art. In view of the above, it is submitted that the claims are in condition for allowance. Reconsideration of the rejections is requested. Allowance of claims 1-14 at an early date is solicited.

Respectfully submitted,  
IRELL & MANELLA, LLP


Dated: October 30, 2003

  
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Wendy Jones      10/30/03  
Date